

Election Observer Panel Plan June 3, 2008 Election

I. County and System Information

1. Name of County: **Santa Clara County**
2. Name of Contact: **Elaine Larson, Assistant Registrar of Voters**
3. Contact's Phone: **(408) 282-3003**
4. Vendor and Voting Systems Used by County: June 3, 2008 Statewide Direct Primary
Sequoia Voting Systems:
DRE AVC Edge II Testing Schedule: May 5-16, 2008
Optech 400-C Optical Scan: May 19, 2008, 11:00 am
5. Date: April 22, 2008

II. Purpose

The purpose of an Election Observer Panel is to:

1. Provide an avenue for public observation and input into the election process.
2. Assist in ensuring the integrity of the election process.
3. Encourage participation and build voter confidence in the election process.

III. Invite

Santa Clara County sends a letter of invitation to different members of the community including the Political Party Central Committee, the League of Women Voters, the Santa Clara County Voting Rights Advisory Committee, the Grand Jury and individuals to observe any of the election processes. For the June 3, 2008 Election, the letters were sent on April 8, 2008.

Attached is an example of the invitation letter (Attachment A).

Voting Machine Preparation (Pre-Lat): Members are invited to observe the voting systems logic and accuracy where the Registrar of Voters ensures the Direct Recording Electronics (DRE's) and the 400-C Absentee Optical Scan Systems have been properly programmed and tested for the upcoming election.

Invited members are provided the dates of testing and asked to contact the ROV representative to confirm their attendance. This Board verifies the logic and accuracy of the test ballots pursuant to Elections Code Section 19205 and completes a "Certification by Logic and Accuracy Board" form with their signature and date verifying the accuracy of the testing.

Attached is an example of the "Certification by Logic and Accuracy Board" Form (Attachment B).

Canvass: Members are invited to view all aspects of the Canvass process, which includes the ability to ask questions of a Manager overseeing the task and to take notes of the process. The Registrar of Voters provides written observer guidelines; issues observer identification badges and escorts the observers during their visit in the office. The observers are provided specific guidelines of how they may not interfere, interrupt or delay the conduct of the Canvass.

Attached is an example of the Election Observer Guidelines (Attachment C).

Election Observer Panel Plan June 6, 2006 Election

IV. Appointment Letters (for introduction to precinct workers)

Santa Clara County trains all election officers that any member of a Political Central Committee, community organizations, the media, and the general public are welcomed to visit a polling place to observe the election process. Therefore, we do not customarily provide a specific letter to the precinct inspectors.

Election officers have been trained to cooperate with any reasonable request from observers as long as it does not impede with the processing of the voter. An observer may view the events at the polls including the opening and closing process, taking information from the precinct indices that are posted near the entrance, and seeing the copy of the Precinct Index being updated at the worktable (if the Election Officers are not using it and no voters are waiting to vote).

The election officers post an "Attention: Poll Watcher Poster" near the entrance of the polling place that serves as a guideline to observers while at the polling place. Instructions are also in the Election Officer Manual and the "What to do if" reference tool.

Attached is an example of the "Attention: Poll Watchers" poster (Attachment D)

V. Mechanism for Feedback

Santa Clara County does not provide a checklist or questionnaire to election observers; however, we often receive reports back from various organizations regarding their observations and welcome feedback.

Attachments:

- A. Observer Invitation
- B. Certificate by Logic & Accuracy Board
- C. Election Observer Guidelines
- D. "Attention: Poll Watchers" poster

County of Santa Clara

Registrar of Voters

1555 Berger Drive, Building 2
San Jose, California 95112
Mailing Address: P.O. Box 1147, San Jose, CA 95108
(408) 299-VOTE (8683) (866) 430-VOTE (8683) FAX (408) 998-7314
www.sccvote.org



April 8, 2008

«First_Name» «Last_Name»

«Company_Name»

«Street»

«City_State» «zip»

«Email_Address»

You or your representative is invited to observe in the Statewide Primary, June 3, 2008 Election, at the Registrar of Voters, (ROV), 1555 Berger Drive, Building #2, San Jose, CA 95112. The following list provides the various election activities from which you may choose to observe. If you wish to observe a process, call Katy Kay (408) 282-3006 to confirm the actual date and time.

DRE Touch Screen Voting Machine Preparation and Testing

This is the loading of election data and comprehensive election logic and accuracy testing that ensures that each machine is securely programmed and prepared properly. Testing is comprised of nineteen (19) major sequential steps to ensure the integrity of the vote counting on Election Day. Testing will occur approximately May 5 through May 16, 2008, 8:30 AM to 4:00 PM. However, the testing schedule is subject to change. Call Katy Kay 3-5 days ahead of the date you wish to observe to confirm the actual Testing Schedule, (408) 282-3006, and to reserve a space if you would like to observe.

Optical Scan Pre-LAT (Logic and Accuracy Testing)

The optical scan system is tested prior to each election by using a pre-marked set of test ballots. Ballots test the computer system's ability to prevent over votes and account for under and invalid votes. The preparation of the ballot test deck and testing of the tabulation equipment usually takes 3 to 5 days and begins on approximately May 19, 2008, at 11:00 A.M. However, the testing schedule is subject to change. Call Katy Kay 3-5 days ahead of the date you wish to observe to confirm the actual Testing Schedule, (408) 282-3006, and to reserve a space if you would like to observe.

Returned Vote by Mail Ballot Processing

The ROV will begin to open and prepare for counting, returned Vote by Mail Ballot Envelopes on Friday, May 23, 2008, in accordance with California Elections Code. All ballots received by 8:00 p.m. in our office, from the post office, and from all polling places will be counted as soon as possible.

ATTACHMENT A

Election Night Ballot Receipt and Counting

The first ballots counted are the Vote by Mail Ballots at 8:00 p.m. When the polls close at 8:00 p.m. the ROV must then wait for the receiving of ballots from all polling places. DRE cartridges and optical scan ballots are delivered to the Return Centers and then are shuttled to the ROV for receipt and counting. The ROV also pick-ups mailed ballots at the post office at 8:00 p.m. Election Night. To observe this process, you should arrive at the Registrar of Voters office between 7:00 – 10:00 p.m. on Election Night.

Elections results will be uploaded throughout the night to our website at www.sccvote.org. At the end of the night, the Semi-Official Election Results will be generated.

Post-Election Logic and Accuracy Testing and Official Canvass

Per California Election Code, the election canvass must start the Thursday after the election. Although June 5, 2008 is the first official start of the election canvass, our county prefers to begin this process one day earlier, on Wednesday, June 4, 2008. The canvass process is open to the public and continues for at least 6 hours a day until completed. After completing this process, the election results are then certified by the Registrar of Voters and made public.

The canvass includes the inspection of all materials and supplies returned by the Election Officers, reconciling the number of signatures on Roster Indexes with the number of ballots recorded on the Official Ballot Statement to the votes actually tallied; processing and counting valid vote by mail and provisional ballots; counting valid write-in votes; and the 1% manual recount.

Observers are always welcome. If you wish to observe any or all of the processes, please contact Katy Kay, at (408) 282-3006 or by e-mail: katy.kay@rov.sccgov.org.
Sincerely,

Katy Kay, for

Elaine Larson, Assistant Registrar of Voters

Attachment: Observer Instructions

ATTACHMENT A

STATE OF CALIFORNIA)
) ss.
County of Santa Clara)

ATTACHMENT B



ELECTION OBSERVER GUIDELINES:

Please read and follow these Election Observer Guidelines. Violation of these guidelines may result in an Observer being asked to leave the work area for the remainder of the day.

The California Election Code provides for the public, candidates, committees and parties to observe ballot counting and Absentee and Provisional Ballot verification (California Elections Code Sections: 19320 (Machine Preparation) 15104, 15204 and 15350). Additionally, the public is always welcome to observe our operation throughout the year in addition to the above election-specific processes, provided that:

- Observers cannot disrupt the working environment of the Registrar of Voter's staff:
 - Keep all conversations to a minimum, at the lowest possible tone.
 - Keep at arms length from the staff at all times and never touch a staff member.
 - Observers may not speak directly to staff., except to a staff member authorized to escort observers. All questions and concerns must be addressed to the division manager or his/her designee, or the Assistant Registrar of Voters.
- We restrict the number of observers only if an election operation would be interrupted because there were too many observers. For that reason, we ask that observers schedule an appointment ahead of time, to avoid having to wait for those with appointments to complete their observation, or to schedule an appointment for a later date or time.
- Observers must sign in and out with the department, daily, and wear department badges for security purposes, turning them in each day before leaving the ROV.
- Radios, cameras, tape recorders or recording devises of any type are not allowed.
- Observers may not use cell phones inside the department. Please set the ring on silent or turn off the phone. Department phones are not for public use.
- The Office of the Registrar of Voters is strictly non-partisan. Please avoid partisan comments and discussions while in the department.
- Observers cannot touch any paper ballot or electronic ballot (cartridge) .
- Observers cannot enter restricted areas unless accompanied by an election official, with appropriate security level.
- If an observer challenges a ballot, they are permitted to ask the staff to stop. The observer must then address their challenge to the division manager or the Assistant Registrar of Voters.
- Challenging a ballot: "...because the voter is not present, the challenger shall have the burden of establishing extraordinary proof of the validity of the challenge at the time the challenge is made." (Elections Code 15106).

ATTACHMENT C



ATTENTION: POLL WATCHERS



POLL WATCHERS MAY...

1. Observe the proceedings at the polls, including the closing procedures.
2. Take information from the Precinct Indices that are posted near the entrance.
3. Look at the copy of the Precinct Index being updated at the worktable (if the Election Officers are not using it and there are no Voters waiting to vote).

POLL WATCHERS MAY NOT...

1. Interfere in any way with the conduct of any election.
2. Monopolize &/or remove the posted Precinct Indices so that others are unable to use them.
3. Insist that the Election Officers stop processing Voters so Poll Watchers can view the Precinct Index being updated at the worktable.

Note: The Precinct Index is continuously updated, then posted at 11 am, 3 pm, and 6 pm.

4. Use the telephone or other polling place facilities.
5. Wear candidate badges, discuss candidates or issues, or bring any campaign material into the polling place, &/or within 100 feet of the entrance to the polling place.
6. Sit at the official worktable or handle any of the official voting equipment, supplies, or ballots.
7. Use the area between the official worktable and voting booths as an observation point/post.
8. Interfere in any way with the closing of the polls.
9. Use cellular telephones, pagers or two-way radios inside the polling place, &/or within 100 feet of the entrance to the polling place.
10. Bring children with them to the polling place.

Election Officers will cooperate with any reasonable request from observers.

If necessary, Poll Watchers who fail to comply with the above rules/procedures may be asked to leave, &/or a local law enforcement agency may be called for assistance.

Interfering with the Officers holding an election, or with Voters lawfully exercising their rights of voting at an election, is punishable by imprisonment in the state prison for 16 months and up to 3 years (California Elections Code - Section 18502).

If you need further information or have questions, call:
Santa Clara County's Office of the Registrar of Voters
at
(408) 299 - 2694